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**MAR 16 2006**

**OFFICE OF PETITIONS**

In re Application of:	:	
COX, Peter, et al.	:	DECISION ON PETITION FOR
Application No.: 09/936,680	:	REVIVAL OF ABANDONED
Filing Date: September 14, 2001	:	APPLICATION UNDER
Attorney's Docket No.: 5977-01-SD	:	37 CFR 1.137(b)
For: NOVEL FAMILY OF BETA SUB-UNIT	:	
PROTEINS ... AND THERAPEUTIC OR	:	
DIAGNOSTIC USES THEREOF	:	

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-entitled application, filed January 03, 2006.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the final Office action mailed April 04, 2005, which set a shortened statutory period of reply of three (3) months. On October 04, 2005, applicants filed a Request For Continued Examination (RCE) and an Information Disclosure Statement (IDS) in response to the final Office Action, accompanied by the fee for a three-month extension of time. However, as indicated in the "Notice Of Improper Request For Continued Examination (RCE)" mailed October 13, 2005, the RCE was improper because it was not accompanied by a proper submission under 37 CFR 1.114. Accordingly, the application was abandoned as of midnight on October 04, 2005.

On January 03, 2006, applicants filed the petition for revival under 37 CFR 1.137(b) considered herein. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the petition fee; (2) the required statement of unintentional delay;<sup>1</sup> and (3) the required reply in the form of the RCE, with fee and submission (the Amendment included with the RCE filed January 03, 2006 satisfies the submission requirement of 37 CFR 1.114). Accordingly, the reply to the final Office action of April 04, 2005 (in the form of the RCE and submission) is accepted as having been unintentionally delayed.

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<sup>1</sup> The petition expressly states that the "delay caused by the abandonment of this application was unintentional." This statements is construed as the statement required by 37 CFR 1.137(b)(3), that is, a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional." Applicants **must** notify this Office if this is **not** a correct interpretation of this statement.

The application file is being referred to Technology Center AU 1646.

Telephone inquiries concerning this decision should be directed to the undersigned.

A handwritten signature in black ink, appearing to read 'RMR', is positioned above the printed name.

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